THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14577 of 2006

Dated:09.08.2007

Between:

Donakonda Satyanarayana (unsound mind), rep.by his wife Smt.Donakonda Seethamma.

…Petitioner

and

The Government of A.P., rep.by Principal Secretary, (TW) Social Welfare (LTR II) Department, Secretariat, Hyderabad, and others.

…Respondents

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ORDER:

The petitioner herein is occupant of land admeasuring Acs.5.00 in Survey No.161/A situated at Ganugapadu Village of Chandrugonda Mandal in Khammam District. He purchased the property on 15.05.1965. He is a non-tribal. The third respondent herein initiated action under Section 3(2) of the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 (for short, the Regulation) in L.T.R Case No.633 of 1996/CHG, on a complaint given by the Special Deputy Tahasildar (Tribal Welfare), Palvancha. After receipt of notice in Form-E issued under Rule 7 of the Andhra Pradesh Scheduled Areas Land Transfer Rules, 1969, the petitioner submitted the documents, but did not appear on the date of hearing, therefore, the third respondent perused the record. He noticed that the petitioner failed to prove the genuineness of transaction beyond doubt. Accordingly, by order dated 23.05.1998, the third respondent ordered ejectment of the petitioner. The petitioner then filed an appeal before the second respondent, being C.M.A.No.31 of 1998, which was dismissed on 22.03.2001. A revision was filed before the Government, who also dismissed the same by G.O.Ms.No.36, dated 16.05.2006. The petitioner, who is statedly of unsound mind, filed the present Writ Petition through his wife.

Learned Counsel for the petitioner submits that as the transaction between the non-tribal and another non-tribal is before coming into force of Regulation No.I of 1959 as amended by Regulation 1 of 1970, the respondents have no jurisdiction to order ejectment of the petitioner. The learned Government Pleader opposed the Writ Petition. He submits that the petitioner produced xerox copies of the sale deed and revenue receipts and as found by the appellate authority, the names of the occupants were found recorded in the revenue records in different ink and different handwriting. He, therefore, submits that the petitioner failed to discharge the burden, and therefore, ejectment order is valid.

The original authority as well as the appellate authority found that the case of the petitioner was very weak. The appellate authority in his order observed as under.

> …In order to ascertain the actual possession held over by the persons over the suit schedule land, verified the pahanies for the year 1968-69 to 1972-73, which is a crucial period of the LTR regulation. As per the entries recorded in the pattadar column, Sri Bullaiah also exists in the occupant column, in addition, the names of Sri Katta Satyanarayana, Bharathi & Vemula Venkateswara Rao were also recorded in occupant's column for all the above years, where as the names of Katta Satyanarayana, Bharathi and Vemula Venkateswara Rao exist in occupant's column with different ink and different handwritings for all the above years. Further, the appellant has filed a xerox copy of said sale agreement executed on 15-05-1965 along with xerox copies of the LR records paid by the appellant to the Government for the land said to be held by the appellant. But the appellant did not produce original sale agreement or original land revenue receipts of any time during the trial of the case before the appellate court…

From the above factual situation, the appellate authority came to the conclusion that the petitioner was in occupation of the land in scheduled area in contravention of the provisions of the Regulation. This order was confirmed by the revisional authority after perusing the record. The same does not suffer from any infirmity or illegality.

The Writ Petition is devoid of any merits, and the same is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

09.08.2007
vs